

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Commercial Taxes Department - Allegation of acquisition of immovable / movable properties by Sri M. Jayaraj Kumar, former Deputy Commercial Tax Officer, Kasibugga, Srikakulam District and retired as Commercial Tax Officer without obtaining prior permission from the competent authority and violated the APCS (Conduct) Rules, 1964 - Disciplinary proceedings initiated - Charges framed - Enquiry conducted - Penalty of 25 % cut in pension for a period of two years under rule 9 of A.P. Revised Pension Rules, 1980 - Imposed - Orders - Issued.

REVENUE (VIGILANCE- I) DEPARTMENT

G.O.Rt.No. 353

Dated:05-03-2012.

Read the following :

1. From the DG, ACB, Letter No.166/RCA-VSK/2002, Dated 28.2.2006.
2. The Commissioner, CT, AP, Hyderabad Charge Memo No. VII /908/2002, dated 23.6.2006.
3. Written statement of defence of Sri M. Jayaraj Kumar, DCTO dated 22.2.2008.
4. Enquiry Report in Rc. No.1A/2008/SA3, Dt: 1.6.2010.
5. C.C.T, Ref. No. V2/908/2002, Dated 23.9.2010.
6. From Sri M. Jayaraj Kumar, former DCTO, Kasibugga, and CTO, Vizianagaram Division, dt: 14.10.2010.
7. From the C.C.T, Letter No. V1/285/2002, Dated 22.3.2011.
8. Govt. Memo No. 63488/Vig. I(1)/2002-9, Dt: 23.7.2011.
9. From Sri M. Jayaraj Kumar, CTO (Retd.), Vizianagaram Division, representation, dated: 16.10.2011.
10. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. V1/285/2011, Dated 13.12.2011.
11. Govt. Letter No. 63488/Vig. I(1)/2007-11, Dt: 13.1.2012.
12. From the Secretary, A.P.Public Service Commission, Letter No. 228/RT-I/3/2012, Dated 3.2.2012.

ORDER:

It has been brought to the notice of the Government by the Anti-Corruption Bureau that Sri M. Jayaraj Kumar, Deputy Commercial Tax Officer, Kasibugga, Srikakulam District, has acquired certain immovable / movable properties in his name and in the name of his family members, without obtaining prior permission from the competent authority violating the A.P.C.S (Conduct) Rules, 1964. Accordingly, the Commissioner, Commercial Taxes, A.P, Hyderabad framed charges against the individual, vide reference 2nd read above directing him to submit his written statement of defence.

P.T.O.,

2. In the reference 3rd read above, Sri M. Jayaraj Kumar, Commercial Tax Officer submitted his written statement of defence and after examination of the matter, the Assistant Commissioner, CT (Int.) & (LTU), Visakhapatnam was appointed as inquiring authority. The Enquiry Officer conducted enquiry into the charges framed against the charged officer and furnished his inquiry report, vide reference 4th read above to the Commissioner of Commercial Taxes, AP, Hyderabad, wherein the Enquiry Officer held that **except** the imputation 10 of Charge-I, Charge-II & Charge-V; all the remaining 9 imputations of Charge-I and other charges viz., Charge III, IV, VI & VII are proved against the charged officer.

3. In the reference 5th read above, the Commissioner of Commercial Taxes, AP, Hyderabad, communicated a copy of the enquiry report to Sri M. Jayaraj Kumar, Commercial Tax Officer for representation and the Delinquent Officer has submitted his representation in the reference 6th read above.

4. In the reference 7th read above, the Commissioner of Commercial Taxes, AP, Hyderabad has furnished the record of enquiry ie., copy of enquiry report and also representation of Sri M. Jayaraj Kumar, Commercial Tax Officer, Vizianagaram, dated 14.10.2010 to the Government stating that the individual will retire from service on attaining the age of superannuation on 31.3.2011 and requested to take necessary action in the matter, as per A.P. Revised Pension Rules, 1980.

5. Government have examined the findings of Enquiry Officer and the representation of Sri M. Jayaraj Kumar, Commercial Tax Officer (Retd.) and observe that several charges are held proved and all these are relating to property transactions for which prior permission was not obtained / nor intimation was given by the individual. Thus, Sri M. Jayaraj Kumar, Commercial Tax Officer (Retd.) violated the APCS (conduct) Rules, 1964 and his representation is not convincing. In view of the above, Government have provisionally decided to impose a punishment of 25% cut in pension for a period of two years on Sri M. Jayaraj Kumar, former Deputy Commercial Tax Officer and retired the Commercial Tax Officer under rule 9 of A.P. Revised Pension Rules, 1980 for the charges held proved against him. Accordingly, in the reference 8th read above, a show-cause notice was issued to the individual directing him to submit his representation on the above provisional decision.

6. In the reference 9th read above, Sri M. Jayaraj Kumar, Commercial Tax Officer (Retd.) has submitted his representation stating that as per rule 9 of APCS (Conduct) Rules, 1964, only "intimation is sufficient" and that he had intimated all the transactions by filing applications / through Annual Property Returns / through Income Tax returns. But the Enquiry Officer has not taken into consideration the above material and hence the findings of the Enquiry Officer are contrary. He has also stated that the main case (ie., disproportionate assets case) is pending before the ACB Court, Visakhapatnam in CC No. 1/2007 and hence imposing 25% cut in pension at this juncture would cause irreparable loss to him and requested to drop proposed penalty, otherwise keep the same in abeyance, till finalization of the main case pending in the ACB Court, Visakhapatnam.

Contd..at P.3.,

7. Government have examined the matter and observe that as per Rule 9 of A.P.C.S (Conduct) Rules, 1964 as amended in G.O.Ms.No.26, General Administration (Ser.C) Department, Dated 20.1.1998, before acquiring / disposing of any properties, the public servants have to submit the particulars of the properties, so desire to acquire / dispose of in the prescribed format by giving prior intimation to the competent authority or seeking prior sanction from the competent authority. The said orders came into effect from 20.1.1998. But, the Delinquent Officer failed to submit the same in the prescribed format by seeking prior intimation / seeking prior sanction from the competent authority in many transactions. Hence, the contention of the individual is not tenable. Accordingly, the charges stand proved against him. His another contention that the main case i.e., Disproportionate Assets case is pending in the ACB Court, Visakhapatnam and to keep the proposed penalty in abeyance till finalisation of the main case is also not tenable, since pendency of criminal case is not a bar for finalisation of departmental proceedings, as the same are different proceedings. Accordingly, Government have decided to confirm the provisional decision to impose 25% cut in pension for a period of two years against the individual and addressed the A.P. Public Service Commission for their concurrence. In the reference 12th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the individual.

8. Government after careful examination of the matter, hereby impose the penalty of 25 % cut in pension for a period of two years against Sri M. Jayaraj Kumar, Commercial Tax Officer (Retired) under rule 9 of A.P. Revised Pension Rules, 1980. Copy of the advice of the A.P. Public Service Commission, dt: 3.2.2012 as required under rule 23 of APCS (CC&A) Rules, 1991 is herewith furnished to the individual.

9. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Jayaraj Kumar, Commercial Tax Officer (Retd.) (w.e).

through the Commissioner of Commercial Taxes, A.P, Hyderabad.

The Commissioner of Commercial Taxes, A.P, Hyderabad

(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to V C, A.P. Vigilance Commission, Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

The Accountant General, AP, Hyderabad.

The Revenue (CT.I) Department.

PS to Prl. Secretary to Government, Revenue Department.

SF/SC.

//Forwarded :: By Order//

SECTION OFFICER.